

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

<b>STEPHANIE MERCIER,</b>	)	
<b>AUDRICIA BROOKS,</b>	)	
<b>DEBORAH PLAGEMAN,</b>	)	
<b>JENNIFER ALLRED,</b>	)	
<b>MICHELE GAVIN,</b>	)	<b>Case No. 12-920 C</b>
<b>STEPHEN DOYLE on behalf of</b>	)	
<b>themselves and all others similarly</b>	)	<b>Judge Elaine D. Kaplan</b>
<b>situated,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>THE UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

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**JOINT MOTION TO AMEND SCHEDULING ORDER**

The parties jointly request the Court modify the current scheduling order (Dkt.#185) as follows, and in support of their motion state:

1. The current Scheduling Order sets deadlines of March 1, 2020 for disclosure of Plaintiffs' expert witnesses, April 1, 2020 for disclosure of the government's experts, and June 1, 2020 as the date for completion of merits discovery.
2. The parties have been engaged in substantial, substantive merits discovery and have cooperated in the production and disclosure of relevant data and materials. Technical difficulties have resulted in the VA being delayed in its production of a complete set of useable data to Plaintiffs within the time frames either set by Rule, or agreed to by the parties.

3. Most recently, Plaintiffs received on February 14, 2020 a corrected production of approximately 230 class members' data, following production of data not able to be used. As of today, data on approximately 130 class members remains to be produced.
4. Plaintiffs require the requested data to permit its expert witness to prepare a report regarding damages to the class, but cannot finalize and disclose that report absent complete data on all class members.
5. At the request of the VA, the parties have begun discussions as to a possible stipulated data set to be used in damages calculation. Plaintiffs will not be able to properly evaluate this proposal, complete damages calculation, and produce their expert report within the current expert discovery schedule.
6. The parties jointly seek to modify the Scheduling Order to extend expert witness disclosure deadlines to April 1, 2020 for plaintiffs' experts, May 1, 2020 for the government's experts, and July 1, 2020 for completion of merits discovery.

Respectfully Submitted,

s/ David M. Cook

David M. Cook

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February 24, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on February 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for all parties.

s/ David M. Cook  
David M. Cook